

Qwest.

Spirit of Service



Qwest

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VIA ELECTRONIC AND OVERNIGHT MAIL

December 29, 2004

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station
Second Floor
Boston, MA 02110

RE: D.T.E. 04-33, *Petition of Verizon New England, Inc. d/b/a Verizon Massachusetts for Arbitration of Interconnection Agreements between Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Massachusetts Pursuant to Section 252 of the Communications Act of 1934, as amended, and the Triennial Review Order*

Dear Secretary Cottrell:

Please find the attached original and five (5) copies of the Motion for Leave to File a Late-Filed Letter of Continued Participation with the Massachusetts Department of Telecommunications and Energy in the above-named proceeding.

Please date-stamp the enclosed copy of this letter, and returned in the enclosed self-addressed, postage-paid envelope. Please do not hesitate to contact me with any questions or concerns regarding this filing.

Respectfully submitted,

Kristin L. Smith
Attorney for Qwest Communications Corporation

cc: Tina Chin (via electronic mail)

Enclosure

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

*Petition of Verizon New England, Inc.d/b/a
Verizon Massachusetts for Arbitration of
Interconnection Agreements between Competitive
Local Exchange Carriers and Commercial Mobile
Radio Service Providers in Massachusetts Pursuant
to Section 252 of the Communications Act of 1934,
as amended, and the Triennial Review Order*

D.T.E. 04-33

**MOTION OF QWEST COMMUNICATIONS CORPORATION
AND QWEST INTERPRISE AMERICA, INC. FOR LEAVE
TO FILE A LATE-FILED LETTER OF CONTINUED PARTICIPATION**

In accordance with 220 CMR 1.01(4), Qwest Communications Corporation and Qwest Interprise America, Inc. (collectively "Qwest") submit this Motion for Leave to File a Late-Filed Letter of Continued Participation in the above-captioned matter to the Massachusetts Department of Telecommunications and Energy ("Department").

On December 15, 2004, the Department issued a Procedural Order in the above-captioned proceeding, requiring parties to file a Letter of Continued Participation within seven (7) business days of the date of the Order, or by December 24, 2004. According to *Western Massachusetts Electric Company*, D.P.U. 92-8C-A, the Department will consider the extent of the delay, the effect of the late-filed letter on the ongoing proceeding, and the explanation for the tardiness of the filing. In this Motion, Qwest demonstrates good cause for late-filing its Letter of Continued Participation on December 28, 2004.

Qwest submitted its late-filed Letter of Continued Participation electronically to Hearing Officer Tina Chin on December 28, 2004, followed by overnight delivery of the letter to the

Department. The letter is enclosed as Attachment A to this Motion. Qwest is sending an electronic version of this Motion for Leave to late-file that letter on December 29, 2004, which will also be delivered overnight for filing with the Department on December 30, 2004. The extent of the delay is therefore nominal. The effect of the delay in filing the letter on the proceeding is also negligible, with the delay only being a few business days, and the lack of any developments in the proceeding within those days. Though no other party would be prejudiced by Qwest filing this letter on December 28, 2004, the effect of the Department not accepting Qwest's late-filed Letter of Continued Participation would arguably remove Qwest from the proceeding, which would directly and negatively impact Qwest's ability to operate under its interconnection agreements with Verizon.

Due to the issuance of the recent decision by the Federal Communications Commission ("FCC") along with many pertinent personnel being unavailable due to the holidays, Qwest was not able to file this letter of continued participation timely. The FCC ruling on December 15, 2004 changes the impact of any future amendments to the interconnection agreements between Qwest and Verizon. Though the analysis cannot be fully completed until the language of the FCC ruling is released, Qwest had difficulty even determining its need to continue participation in this proceeding by December 24, 2004, as many Qwest personnel have been unavailable during the holiday season.

CONCLUSION

For these reasons, Qwest respectfully moves for leave to file the attached Letter for Continued Participation in this proceeding.

Respectfully submitted,

QWEST COMMUNICATIONS CORPORATION

A handwritten signature in cursive script, appearing to read "Kristin L. Smith", is written over a horizontal line.

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*Counsel for Qwest Communications Corporation
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December 29, 2004

ATTACHMENT A



Spirit of Service

Qwest

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Kristin L. Smith
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VIA ELECTRONIC MAIL AND OVERNIGHT MAIL

December 28, 2004

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02110

RE: *Verizon Massachusetts Petition for Consolidated Arbitration*, DTE 04-33

Dear Secretary Cottrell,

Pursuant to the Procedural Order dated December 15, 2004 in the above-referenced proceeding, please accept this late-filed Letter of Continued Participation on behalf of Qwest Communications Corporation and Qwest Interprise America, Inc. (collectively "Qwest"). The above-named parties seek to continue participation in this proceeding on a limited basis should the Department grant their request for continued participation.

The Procedural Order directed parties to submit a letter by December 24, 2004. Due to the holidays, Qwest was not able to file this letter of continued participation timely. Both of the above-named companies have an interconnection agreement with Verizon, giving any decision by the Department in this proceeding a direct impact on their business. In addition, no party to the proceeding would be prejudiced by Qwest's filing of this letter on December 28, 2004. For these reasons, please accept this late-filed letter of continued participation by Qwest.

Please date-stamp the enclosed copy of this letter, and returned in the enclosed self-addressed, postage-paid envelope. Please do not hesitate to contact me with any questions or concerns regarding this letter.

Respectfully submitted,

Kristin L. Smith
*Attorney for Qwest Communications Corporation
and Qwest Interprise America, Inc.*